

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 5-12 and 16-22 are currently pending in the application. Claims 1, 5-12 and 16-22 are amended; and Claims 2-4 and 13-15 are canceled by the present amendment. Support for amended independent Claims 1 and 12 can be found in the original specification, claims and drawings.¹ The claims are also amended to correct cosmetic informalities and matters of form. No new matter is presented.

In the outstanding Official Action, Claims 1-3, 6-9, 12-14 and 17-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yoon et al. (U.S. Patent No. 6,628,971, hereinafter “Yoon”) in view of Hubbe et al. (U.S. Patent No. 6,667,748, hereinafter “Hubbe”); and Claims 4-5, 10, 15-16 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yoon in view of Hubbe, and further in view of Yu et al. (U.S. Patent No. 6,684,087, hereinafter “Yu”).

Applicants respectfully submit that amended independent Claims 1 and 12 state novel features not taught or rendered obvious by the applied references.

By way of the present amendment, independent Claim 1 is amended to incorporate the subject matter of canceled Claims 2 and 4, and independent Claim 12 is amended to incorporate the subject matter of canceled Claims 13 and 15.

Specifically, independent Claim 1 recites, *inter alia*, a method for providing a background image for a display of a communication device, comprising the steps of:

- a) automatically selecting background images to be displayed, from said stored background images, ***according to pre-set parameters received from a base station***;
- b) retrieving the data of said automatically selected background images from said memory; and

¹ e.g., independent Claim 1 is amended to incorporate the subject matter of canceled Claims 2 and 4, and independent Claim 12 is amended to incorporate the subject matter of canceled Claims 13 and 15. Support for the feature of displaying the images in a sequence can be found, for example, at p. 7, lines 13-15 of the spec.

c) displaying said retrieved background images in sequence ***as defined by said pre-set parameters*** on said display of said mobile telephone. (emphasis added)

Independent Claim 12, while directed to a “communication device,” recites substantially similar features. Accordingly, the arguments presented below relate to both amended independent Claims 1 and 12.

The outstanding Official Action admits that the combination of Yoon and Hubbe fail to teach or suggest the features (emphasized above) of Claims 4 and 15, which are herein incorporated into independent Claims 1 and 12, respectively. In attempting to remedy this deficiency, the Official Action relies on Yu and states that it would have been obvious to one of ordinary skill in the art to combine the teachings of Yu, with Yoon and Hubbe to arrive at Applicants claims. Applicants respectfully traverse this rejection, as Yu fails to teach or suggest that claimed features for which it is asserted as a secondary reference under 35 U.S.C. § 103.

Yu describes a method and apparatus for displaying images on a mobile device. In Yu’s system, a set of parameters regarding the screen of a mobile device is used by a server device to form a reduced version of a requested image that fits onto the screen of the mobile device.² Yu, however, fails to teach or suggest “automatically selecting background images to be displayed... ***according to pre-set parameters received from a base station***” and “displaying said retrieved background images in sequence ***as defined by said pre-set parameters***,” as recited in amended independent Claim 1.

Instead, as described at col. 6, lines 56-59, and col. 7, lines 10-12 of Yu, screen size parameters are stored by a user in a user account, which is then accessed by the link server to format the image data for proper display on the mobile device. Thus, Yu fails to teach or suggest that any parameters regarding “automatically selecting” background images to be

² Yu, Abstract.

displayed, are sent from the base station to the mobile device, whatsoever. In contrast, Yu indicates that parameters regarding the formatting of the image data are sent from the mobile device to base station/server, not vice versa. Further, as Yu fails to teach or suggest sending pre-set parameters regarding the automatic selection of background images to be displayed from a base station to the mobile device, this reference also fails to teach or suggest “displaying said retrieved background images in sequence *as defined by said pre-set parameters*,” which is also a feature recited in amended independent Claim 1.

The claimed method/apparatus allows for the display of background images in a user-friendly and simple but still flexible manner, by automatically selecting background images to be displayed according to pre-set parameters received from a base station. Thus, images can be displayed automatically without the necessity of a user input, and since the preset parameters are received from a base station, the automatic display of the background images can be changed or influenced remotely in a flexible and user-friendly manner.

Yu fails to teach or suggest such features, as the reference simply discusses formatting image data, which is requested by a user, for display on the mobile device.

Likewise, as admitted in the outstanding Official Action, neither Hubbe nor Yoon, neither alone nor in combination, teach or suggest “automatically selecting background images to be displayed... *according to pre-set parameters received from a base station*” and “displaying said retrieved background images in sequence *as defined by said pre-set parameters*,” as recited in amended independent Claim 1. Therefore, none of the cited references, neither alone or in combination, teach or suggest Applicants Claims 5-12 and 16-22, which include the above distinguished features by virtue of independent recitation or dependency.

Accordingly, Applicants respectfully request that the rejection of Claims 1, 5-12 and 16-22 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 5-12 and 16-22 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

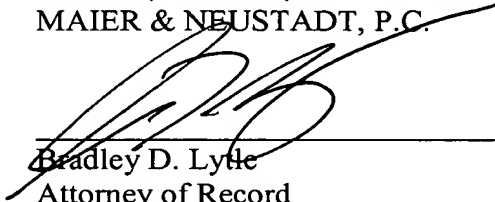
Respectfully submitted,

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